



Atty. Docket No. GET01/P303

**CERTIFICATE OF MAILING**

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

Dated: May 8, 2007

  
Petie Taylor

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Art Unit : 1609  
Examiner : Sheridan R. Macauley  
Applicant : Stephen L. Tvedten  
Appln. No. : 10/687,489  
Filing Date : October 16, 2003  
Confirmation No. : 9765  
For : **BIOLOGICAL PESTICIDE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

This is a response to the Office Communication April 12, 2007 concerning a previous restriction requirement mailed. In the previous Office Action mailed March 27, 2006, the Examiner required restriction to one of six inventions, identified as Invention Groups I-VI under 35 U.S.C. §121. On April 14, 2006, Applicant elected Invention Group I, which contains claims 1-11, 15-29, 39-49, 75, 77, 79 and 80, with traverse. However, Applicant inadvertently omitted election of a species. Applicant hereby elects the species (b) including the enzymes recited in claims 12-14.

Applicant : Stephen L. Tvedten  
Appln. No. : 10/687,489  
Page : 2

Applicant respectfully maintains that the previous restriction to one of Invention Groups I through VI is improper, as is the necessity for an election of species, and that the restriction requirement should be withdrawn. Applicant requests that Invention Groups I and IV be rejoined and that all of claims 1-80 be prosecuted together in the present application.

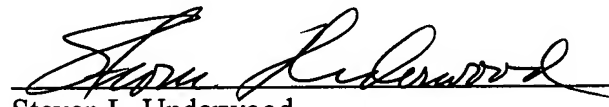
If the Examiner has any questions regarding this response or if the application can be readily placed in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

STEPHEN L. TVEDTEN

By: PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP

Dated: May 8, 2007

  
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SLU/p